

CHAPTER 9: SIGNS

9.1 GENERAL PROVISIONS

- 9.1.1 Purposes and Effects
 - (A) Purpose, Intent and Scope
 - (B) Relationship to Comprehensive Plan
 - (C) Effect
- 9.1.2 Rules of Interpretation
 - (A) Meanings of Words and Phrases
 - (B) Relationship to Land Development Ordinance and Town Code
- 9.1.3 Definitions
- 9.1.4 Applicability
 - (A) General
 - (B) Signs Exempt from Regulations
 - (C) Prohibited Signs
 - (D) Transitional Provisions
- 9.1.5 Calculations and Measurement
 - (A) Sign Area Calculations
 - (B) Sign Height Computation
 - (C) Building Frontage
 - (D) Roofing Elements
- 9.1.6 Plans and Permits Required
 - (A) Sign Permits
 - (B) Building Permits
 - (C) Electrical Permits
- 9.1.7 Consent of Legal Owner of Property
- 9.1.8 Sign Maintenance
- 9.1.9 Violations; Enforcement; Removal of Certain Signs
 - (A) General
 - (B) Removal of Signs Creating Traffic Hazard
 - (C) Removal of Unauthorized Signs in Public Right-of-Way
 - (D) Removal of Discontinued Signs
 - (E) Removal of Unsafe Signs
- 9.1.10 Viewpoint Neutrality
- 9.1.11 Substitution of Messages
- 9.1.12 Severability
 - (A) Generally
 - (B) Severability where less speech results
 - (C) Severability of provisions pertaining to prohibited signs
 - (D) Severability of prohibition on billboards

9.2 PERMANENT SIGNS

- 9.2.1 Applicability
- 9.2.2 Sign Materials
- 9.2.3 Sign Color
 - (A) Number of Colors
 - (B) Color Options
 - (C) Prohibited Colors

- 9.2.4 Illumination
 - (A) Uniformity
 - (B) External Illumination
 - (C) Internally-illuminated Cabinet Signs
- 9.2.5 Permanent Sign Types and Applicable Standards on Property Not Containing a Single-family Residence or Duplex
 - (A) Awning Sign
 - (B) Directional Sign
 - (C) Permanent Flagpoles with Flags
 - (D) Incidental Sign
 - (E) Drive-through Lane Sign
 - (F) Principal Ground Sign
 - (G) Entry Monument Alternative to Principal Ground Sign
 - (H) New Construction Alternative to Principal Ground Sign
 - (I) Projecting Sign
 - (J) Suspended Sign
 - (K) Verandah Sign
 - (L) Wall Sign
 - (M) Façade Renovation Alternative to Permanent Wall Sign
 - (N) New Business Alternative to Permanent Wall Sign
 - (O) Window Sign
 - (P) Mailbox Sign
- 9.2.6 Permanent Sign Types and Applicable Standards Allowed Only in Town Center and Mixed Use Overlay Districts, on Property Not Containing a Single-Family Residence or Duplex
 - (A) Wall Sign at Entrance to Restaurant or Café
 - (B) Neon Sign
- 9.2.7 Permanent Sign Types and Applicable Standards on Property Containing a Single-Family Residence or Duplex
 - (A) Permanent Flagpoles with Flags
 - (B) Wall Signs
 - (C) Incidental Signs
 - (D) Window Signs
- 9.2.8 Master Sign Plans
 - (A) Required
 - (B) Relation to Other Sections of This Ordinance
 - (C) Elements
 - (D) Allocation of Sign Area in Multi-tenant Developments
 - (E) Amendment Procedures
 - (F) Effect
- 9.2.9 Non-conformities
 - (A) Non-conforming Signs
 - (B) Signs for Non-conforming Uses

9.3 TEMPORARY SIGNS

- 9.3.1 Applicability
- 9.3.2 General Design Requirements
- 9.3.3 Permitted Temporary Signs
 - (A) A-Frame Signs
 - (B) Other Temporary Signs

Chapter 9: SIGNS**9.1 GENERAL PROVISIONS****9.1.1 Purposes and Effects****(A) Purpose, Intent, and Scope**

It is the purpose of this Chapter to promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory sign regulations. The sign regulations in this chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. This article is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

In order to preserve and promote the Town of Cary as a desirable community in which to live, vacation, and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this Chapter 9 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic interests of the community. The regulation of signs within the Town is necessary and in the public interest and these regulations have been prepared with the intent of enhancing the visual environment of the Town and promoting its continued well-being, and are intended more specifically to further the following interests:

(1) Aesthetics

To maintain and enhance the beauty, unique character, aesthetic environment, and quality of the Town of Cary, that will attract commerce, businesses, economic development, residents, and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Town; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

(2) Traffic and Pedestrian Safety

To improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by

providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance necessary for the safe, uniform, and efficient operation of all elements of the traffic stream.

(3) Economic Development

To promote economic development and the value of commercial and residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.

(4) Effective Communication

To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication.

(5) Historical Character

To emphasize the Town's historical character by promoting pedestrian oriented and appropriately scaled signage.

(6) Identification of Goods and Services

To aid the public and private sectors in providing signage that could be used to identify the location of goods and services.

(7) Compatibility with Surroundings

To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property.

(8) Reduction of Visual Clutter

To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

(9) Use Considerations

To encourage and allow signs that are appropriate to the use of the property on which they are located.

(10) Scale, Integration and Design

To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the Town's goals of quality development.

(11) Maintenance and Safety

Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs.

(12) Property Values

To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination, and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area.

(13) Enforcement

To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, state, and federal law.

(B) Relationship to Comprehensive Plan

A major emphasis of the Town's Comprehensive Plan is on the design of the community. In particular, the Comprehensive Plan emphasizes preserving and maintaining Cary's attractive appearance, with attention to the appearance of, and views from, public spaces, while also encouraging high quality and attractive development.

(C) Effect

The effect of this chapter, as more specifically set forth herein, is:

- (1) to establish a system to allow a variety of types of permanent signs, subject to the standards and the permit procedures of this chapter;
- (2) to allow certain permanent signs that are small, unobtrusive and incidental to the principal use of the respective lot or parcel on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
- (3) to provide greater flexibility in special areas of interest and/or higher densities such as the Town Center, Mixed Use Overlay Districts, National Register Historic Districts or traditional neighborhood developments;
- (4) to provide for temporary signs in limited circumstances; and
- (5) to provide for the enforcement of the provisions of this chapter.

9.1.2 Rules of Interpretation

(A) Meanings of Words and Phrases

Words and phrases not defined in this chapter but defined elsewhere in the LDO or Town Code shall be given the meanings set forth there. All other words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter. Illustrations included in the code shall be used in interpreting the relevant provisions, but where the text conflicts with an illustration, the text shall control.

(B) Relationship to Land Development Ordinance and Town Code

To the maximum extent practicable, this chapter shall be interpreted in accordance with rules of interpretation and construction and definitions provided in this Ordinance and Town Code. In case of conflict among them, however, this shall be the order of priority in selecting among apparently conflicting provisions:

- (1) Where this chapter directly addresses an issue, it shall control over any conflicts;
- (2) Where this chapter does not directly address an issue or is unclear, the other chapters of this Ordinance shall control over other provisions of the Town Code; and
- (3) Where neither this chapter nor other chapters of this Ordinance directly addresses or resolves an issue of interpretation or construction, then this chapter shall be interpreted in the context of the Town Code.

9.1.3 Definitions

The following terms shall be defined as follows:

Artwork means a two- (2-) or three- (3-) dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Banner means a sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners.

Beacon means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same site as the light source; also, any light with one (1) or more beams that rotate or move.

Billboard means a sign structure and/or sign utilized to display a commercial message or provide commercial advertising for an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign and/or sign structure is located.

Commercial Message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment, or other commercial activity.

Flag means any fabric or bunting containing distinct colors, patterns, or symbols, used as an ornamental flag or as a symbol that does not contain a commercial message, and that is displayed on a flagpole. (See also Flag, Ornamental).

Flag, Ornamental means any fabric or similar material containing patterns, drawings, or symbols used for decorative purposes and designed to be flown as a flag.

Flagpole means a pole on which to raise or display a flag.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper, or similar material attached in a row to any staff, cord, building, or at only one (1) or two (2) edges, the remainder hanging loosely.

Permanent Sign means any sign which, when installed, is intended for permanent use. Any sign with an intended use in excess of twelve (12) months from the date of installation, unless otherwise stated in Section 9.3, shall be deemed a permanent sign.

Sign means any device, fixture, placard, or structure, that uses any color, form, graphic, illumination, symbol, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The following shall not be considered signs subject to the regulations of Chapter 9 of this Ordinance: artwork, cemetery markers, machinery or equipment signs, lighting used to accentuate architectural or landscaping features, and holiday and seasonal decorations.

Sign, A-Frame means a portable sign utilizing an upright, rigid supporting frame in the form of a triangle or an inverted "V" style of framing to support the sign.

Sign, Animated means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Sign, Canopy

Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

Sign, Changeable Copy means a sign designed so that letters, numbers, symbols and other similar characters attached to the sign can be changed manually in the field to indicate a different message.

Sign, Digital means a sign capable of displaying words, symbols, or images that can be electronically or mechanically changed by remote, automatic, or electrical means.

Sign, Discontinued means a sign or sign structure whose owner has failed to operate and maintain said sign or sign structure for a period of ninety (90) days or longer. The following conditions shall be considered the failure to operate or maintain a sign or sign structure: (1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer operating; or (2) a sign which is blank.

Sign, Electronic Changeable Message means an electronically-activated sign or any portion thereof whose message content of display, either whole or in part, may be changed by means of electrical, electronic, or computerized programming; an "electronic changeable message sign" includes a sign or any portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. An "electronic changeable message sign" includes a digital sign. Drive-through Lane signs shall not be considered electronic changeable message signs.

Sign, Feather means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign is usually shaped like a sail or feather, and attached to the pole support on one (1) vertical side.

Sign, Flashing means a sign which permits light to be turned on or off intermittently more frequently than once per minute, or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign.

Sign, Holographic Display means an advertising display that creates a three (3)-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Sign, Intermittent means a sign which permits light to be turned on or off intermittently more frequently than once every twelve (12) hours or which is operated in a way whereby light is turned off or on intermittently or which varies in intensity or color more frequently than once every twelve (12) hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity or color at all times when the sign is in use, including but not limited to an LED (light emitting diode) or digital sign.

Sign, Machinery or Equipment means a sign incorporated into machinery or equipment by a manufacturer or distributor, that functions only to identify or advertise the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

Sign, Moving means any sign in which the sign itself or any portion of it physically moves or revolves.

Sign, Neon means any electric discharge tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, or other decorative elements, and filled with various inert gases.

Sign, Off-site means any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

Sign, Pole means any sign which is mounted on a freestanding pole or poles, or other support structure such that the bottom edge of the sign face is forty-two (42) inches or more above the adjacent grade or roadway crown height.

Sign, Portable means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; balloons used as signs, umbrellas used for commercial messages; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way.

Sign, Projecting means a sign attached to a building wall and extending laterally more than eighteen (18) inches from the face of such wall.

Sign, Scrolling means a sign that, by mechanical or electronic means, displays a message that moves up, down, or across a display screen or surface.

Sign, Snipe means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of-way, public street furniture, or other public property; except for A-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in this Chapter.

Sign, Suspended means a sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

Sign, Temporary means a sign intended for a use not permanent in nature. For the purposes of this Chapter 9, a sign which is intended for use of one (1) year or less, unless otherwise allowed in this Chapter 9 shall be deemed a temporary sign.

Sign, Vehicular means a sign which is attached to, mounted, pasted, painted, or drawn on a vehicle and covers more than four (4) square feet of the vehicle.

Sign, Verandah means a sign consisting of freestanding letters or numbers and located above the outer fascia of a verandah or balcony which does not exceed the highest point of the building roofline.

Sign, Wall means any sign painted on or attached to and extending not more than six (6) inches from an exterior wall in a parallel manner.

Sign, Windblown means a sign which uses objects or materials fastened in such a manner as to move upon being subjected to pressure by wind, and shall include pennants, ribbons, spinners, streamers, or captive balloons; however, the term windblown sign shall not include flags.

Sign, Window means any sign painted on, attached to, or displayed in a window so as to direct attention of persons outside the building to a product or activity on the premises.

9.1.4 Applicability

(A) General

This Chapter 9 applies to signs on property located in all zoning districts.

A sign may be erected, placed, established, painted, created or maintained in the Town only in conformance with the standards, procedures, exemptions and other requirements of this chapter. Signs exempt from regulation under Section 9.1.4(B) shall not otherwise be subject to this Chapter.

(B) Signs Exempt From Regulations

The following signs shall be exempt from regulation under this Chapter:

- (1) Any official or public notice or warning sign required by a valid and applicable federal, state, or local law, regulation or chapter; by a public utility company; or by order of a court of competent jurisdiction.
- (2) Any sign located within the right-of-way or on private property that is used as a traffic control device. This includes, but is not limited to, any sign that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
- (3) Any sign, other than a window sign, inside a building, that is not visible from off the site on which it is located.
- (4) Any sign inside a breezeway or entranceway, under the roof and within the foundation line of the building but outside the actual entrance door, where such sign cannot be seen by a person of ordinary eyesight who is not under the roof of the building or is otherwise outside the building.
- (5) Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from more than three (3) feet beyond the lot line of the site on which it is located.
- (6) Signs erected by or on behalf of a governmental or quasi-governmental agency including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.
- (7) Signs on single-use sites, where the sign is not visible from a public right-of-way or adjacent residential property.
- (8) One (1) building marker or engraved cornerstone per building, containing no logo or commercial message and made of a permanent material that is permanently attached to or incorporated into the building wall.
- (9) A sign on a vehicle, other than a prohibited Vehicular Sign or Signs.

(C) Prohibited Signs

The following signs are specifically prohibited, unless specified otherwise in this Chapter:

- (1) Any sign that copies or imitates an official sign or purports to have official status.
- (2) Beacons.

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- (3) Windblown signs.
 - (4) Pennants.
 - (5) Canopy signs.
 - (6) Animated signs.
 - (7) Portable signs.
 - (8) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.
 - (9) Off site signs, billboards, and pole signs.
 - (10) Discontinued signs, including all structural, support, and other related elements.
 - (11) Signs made wholly or partially of highly reflective material, so as to generate a contrast between the sign and adjacent surfaces or the surrounding area.
 - (12) Signs on roofs.
 - (13) Signs located in the clear sight triangle as defined by the Town's Standard Specifications and Details Manual.
 - (14) Signs erected or lighted in such a manner or in such location as to obstruct the view of, or be confused with, any authorized traffic signal, notice or control device.
 - (15) Signs in the public right-of-way, except for the following:
 - (a) Signs on awnings per Section 9.2.5(A);
 - (b) Projecting Signs per Section 9.2.5(I);
 - (c) Suspended Signs per Section 9.2.5(J);
 - (d) Signage on marquees per Section 9.2.5(L); and
 - (e) Principal Ground Signs at the entrance of residential and non-residential subdivisions per Section 9.2.5(F).
 - (16) Neon signs located in such a manner as to attract public attention from outside the building except as permitted in Section 9.2.6(B).
 - (17) Vehicular Signs when the vehicle is parked such that the sign is visible from a right-of-way within one hundred (100) feet of the vehicle, except where there is no reasonable alternative location on the site to park the vehicle.
 - (18) Feather signs.

- (19) Electronic changeable message signs.
- (20) Digital signs.
- (21) Intermittent signs.
- (22) Flashing signs.
- (23) Any freestanding sign, with exception of an entry monument alternative to a principal ground sign, that is more than six (6) feet above the elevation of the normal grade at the base of the sign. The foregoing maximum sign height limitation, which applies under all circumstances except as noted herein, does not preclude the more restrictive sign height limitations as set forth in Section 9.2 or 9.3 of this Chapter.
- (24) Any wall sign that is greater than the lesser of three (3) square feet per linear foot of building frontage, or ten percent (10%) of the wall area to which the sign is affixed. The foregoing maximum sign area limitation, which applies under all circumstances except as noted herein, does not preclude the more restrictive sign area limitations as set forth in Section 9.2 or 9.3 of this Chapter.
- (25) Any sign which emits a sound, odor, or visible matter.
- (26) Snipe signs.
- (27) Holographic Display Signs.
- (28) Moving Signs.
- (29) Scrolling Signs.
- (30) Signs attached or painted on trees, rocks or natural features.
- (31) Ground signage placed on a supporting base for public art or on the actual artwork.

(D) Transitional Provisions

- (1) All permanent signs legally erected prior to December 8, 2016 may remain in place and in use, subject to certain restrictions on modification, replacement and other actions affecting the sign, as set forth in this Ordinance.
- (2) All holders of permits for permanent signs issued legally prior to December 8, 2016 may erect the signs that are the subject of such permits within the times allowed by such permits, and such signs shall then be treated as though they had been erected prior to December 8, 2016. However, such permits may not be extended or amended unless the sign that is the subject of such permit will conform to all of the requirements of this chapter.
- (3) All violations of the sign regulations in effect prior to December 8, 2016 shall remain violations of the Ordinances of the Town and all penalties and enforcement remedies set forth hereunder shall be available to the Town as though the violation were a violation of this chapter. However, if the effect of this chapter is to make a permanent

sign that was formerly nonconforming become conforming, then enforcement action shall cease except to the extent of collecting penalties (other than the removal of the permanent sign) for violations that occurred prior to December 8, 2016.

9.1.5 Calculation and Measurement

(A) Sign Area Calculations

(1) Area Computation of Individual Signs

The allowable sign area for permanent signs shall be calculated as provided below:

(a) General Requirements

The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by encompassing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, into no more than two (2) abutting rectangles, one (1) of which shall encompass a minimum of seventy-five percent (75%) of the total sign area. The area of sign face of distinct individual signs shall be separately measured in accordance with the above methodology.

(b) Exceptions to General Requirements

- (i)** Suspended and projecting signs shall be calculated separately from other wall signs.
- (ii)** The square footage of wall signs associated with theaters shall be counted against the total wall sign area allotment. However, each sign shall be measured separately rather than placed together inside a rectangle.
- (iii)** Poster boxes shall be measured individually without regard for the spaces between the individual boxes.

(2) Area Computation of Multi-Faced Signs

Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is sixty (60) degrees or less, only one (1) display face shall be measured in computing sign area. The areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point should be considered in measuring that side of the sign. Double-faced signs that are displayed on gateway entry monuments within Town approved area plans, may be displayed on walls with an interior angle of up to ninety (90) degrees.

(B) Sign Height Computation

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

(C) Building Frontage

Building frontage shall mean the horizontal length of a building on the side with its principal entrance. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one (1) end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; where the side of the building is convex or has one (1) or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between two (2) lines projected from the two (2) front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.

(D) Roofing Elements

Roofing elements that are within thirty (30) degrees of vertical (sometimes loosely called a "mansard roof") will be considered part of the wall for purposes of sign placement. Signage shall not be located on portions of other architectural design features that extend above the predominate roofline of the building.

9.1.6 Plans and Permits Required

Permits are required for the following sign types: Awning, Vehicle-Oriented Directional, Wall-Mounted Directional, Drive-through Lane, Principal Ground, Entry Monument, New Construction Alternative, Suspended, Verandah, Projecting, Wall (except for signs on property containing a single-family residence or duplex), Façade Renovation Alternative, and New Business Alternative. No other sign types shall require a sign permit.

(A) Sign Permits

If a sign requiring a permit under this chapter is to be placed, constructed, erected or modified on a site, the owner of the lot or parcel shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of this chapter and the procedure listed in Section 3.16. No sign permit shall be issued for the erection of a prohibited sign. Until a sign permit is obtained from and the appropriate fee paid to the town, no permanent sign shall be erected, altered, relocated, maintained or displayed. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the State building code.

No sign permit or permit fee shall be required for changing the copy of a sign, including any change of copy on a changeable copy sign, as long as no changes are made to the sign's height, size, location, or structure. A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this Chapter and the Land Development Ordinance.

(B) Building Permits

The town has no authority to waive or provide variances to the State building code, therefore all signs shall comply with applicable provisions of the State building code.

(C) Electrical Permits

Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the Inspections and Permits Department. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All wiring to electric signs, or to freestanding equipment that lights a sign, shall be installed underground.

9.1.7 Consent of Legal Owner of Property

No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this Chapter, "owner" means the holder of the legal title to the property and any party and person holding a present right to possession, control, or use of the property.

9.1.8 Sign Maintenance

All permanent signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this chapter, and shall adhere to the following provisions:

- (A)** A sign shall have no more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) days.
- (B)** A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than ten (10) days.
- (C)** A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than thirty (30) days.
- (D)** An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty (30) days.
- (E)** Flags shall not be faded, tattered, or torn.

9.1.9 Violations; Enforcement; Removal of Certain Signs**(A) General**

Violations of this chapter and enforcement procedures are addressed in Chapter 11.

(B) Removal of Signs Creating Traffic Hazard

Any signs or light sources deemed to create a traffic hazard per Sections 9.1.4(C)(13) or 9.1.4(C)(14) shall be removed at the direction of the Planning Director. If not removed by owners or occupants of the property within ten (10) days of notice, the Director shall cause the signs to be otherwise removed, and the cost of removal shall become a lien against the property until satisfied.

(C) Removal of Unauthorized Signs in Public Right-of-Way

Any sign placed in the public right-of-way in violation of this Chapter 9 shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the Town, and the person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

(D) Removal of Discontinued Signs

Within sixty (60) days after a sign on a permanent freestanding sign structure or a permanent wall sign becomes a discontinued sign, it shall be the responsibility of the property owner to remove the discontinued sign and any associated sign structure and to patch and conceal any and all damage to any property resulting from the removal of the discontinued sign and associated sign structure, if any. The removal of a discontinued sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, which are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

(E) Removal of Unsafe Signs

The Planning Director, with or without notice, may secure the immediate removal of an unsafe sign or insecure sign if in his or her judgment and opinion the sign presents an immediate peril to the public health and safety.

9.1.10 Viewpoint Neutrality

Notwithstanding anything in this Chapter 9 or this Land Development Ordinance to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

9.1.11 Substitution of Messages

Notwithstanding anything in this Chapter to the contrary, any sign allowed under this Chapter, without a permit, by sign permit, or by variance, may contain, in lieu of any other message or copy, any lawful noncommercial message so long as said sign complies with the size, height, area and other requirements of this Chapter.

9.1.12 Severability**(A) Generally**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter.

(B) Severability where less speech results

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (A), above, or elsewhere in this chapter, the LDO, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(C) Severability of provisions pertaining to prohibited signs

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (A), above, or elsewhere in this chapter, the LDO, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 9.1.4(C). Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 9.1.4(C) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 9.1.4(C) thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.

(D) Severability of prohibition on billboards

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other LDO provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Chapter or this LDO.

(Ord. No. 2016-LDO-02, 12-8-16)

9.2 PERMANENT SIGNS

9.2.1 Applicability

This Section 9.2 applies to permanent signs in all zoning districts.

9.2.2 Sign Materials

- (A) Except for flags permitted per Sections 9.2.5(C) and 9.2.7(A), all permanent signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure.
- (B) Unless otherwise specified in a Master Sign Plan, the structural supports and foundation of principal ground signs shall match the principal material found in the principal structure(s) on the site.
- (C) Background material of principal ground signs shall match the primary material found in the principal structure(s) or be architecturally compatible in style and color (e.g., materials such as synthetic wood and other similar materials may be considered).
- (D) Materials such as metal, PVC, and acrylic may be used for individual letters and raceways.
- (E) Changeable copy shall be allowed only on signs permitted in accordance with Section 9.2.5 for theaters, service stations, and for property with an institutional use provided that:
 - (1) A theater with a marquee may display changeable copy on the marquee. A theater without a marquee may display one (1) changeable copy sign on each wall permitted to have wall signs.
 - (2) A service station may use up to one-half (½) of the area of its principal ground sign or one-half (½) of the area of any wall sign for changeable copy.
 - (3) A property with an institutional use may have changeable copy on up to fifty percent (50%) of the principal ground sign and/or the entire area of Directional signs. When used on a principal ground sign, the materials must follow the standards for principal ground signs stated in this chapter.

9.2.3 Sign Color

(A) Number of Colors

- (1) Permanent signs may incorporate a maximum of four (4) colors, including background color, and excluding colors found in logos and trademarks allowed per Section 9.2.3(B).
- (2) The text of the primary message shall be a single color, except where a second color is used to create an outline or shadow effect.
- (3) The color of the text of the primary message may be altered up to twelve (12) times per year, provided the following requirements are met:

- (a) The wall sign is located on a single-tenant building five (5) stories or taller; and
- (b) All portions of the primary message display a single color at any given time;
- (c) The frequency of change is no shorter than eight (8) hours; and
- (d) A palette of up to twelve (12) sign colors for the primary message text is approved as a component of the master sign plan for the development. Such palette may not include high intensity or fluorescent colors.

(B) Color Options

- (1) The following sign colors are allowed for signs on sites containing buildings with architecturally distinct and unique storefronts and buildings meeting the Mixed Use Overlay District or Town of Cary architectural design standards:
 - (a) black;
 - (b) white;
 - (c) colors found in the approved site plan and present in the same building segment where the sign is displayed;
 - (d) one (1) color found in the approved site plan and present in another building segment of the same development plan;
 - (e) one (1) color option to the Master Sign Plan that is not found in the site plan but is of a similar hue and intensity as the site plan color palette; and
 - (f) other colors in federally- or state-registered logos or trademarks provided that the size of the logo does not exceed twenty percent (20%) of the allowable sign area. The size of the logo may be increased to seventy-five percent (75%) of the allowable sign area provided the following standards for the logo are met:
 - (i) May not be internally illuminated;
 - (ii) Shall be three (3) dimensional;
 - (iii) Shall be made of carved or simulated carved wood, stone, or metal; and
 - (iv) Colors used shall not be high intensity or fluorescent.
- (2) The following colors are allowed for signs on sites containing buildings without architecturally distinct and unique storefronts and buildings not meeting Town of Cary architectural design standards:
 - (a) black;
 - (b) white;
 - (c) colors found in the approved site plan;

- (d) one (1) color found in the approved site plan and present in another building segment of the same development plan;
- (e) other colors in federally- or state-registered logos or trademarks provided that the size of the logo does not exceed twenty percent (20%) of the allowable sign area. The size of the logo may be increased to thirty percent (30%) of the allowable sign area provided the following standards for the logo are met:
 - (i) May not be internally illuminated,
 - (ii) Shall be three (3) dimensional,
 - (iii) Shall be made of carved or simulated carved wood, stone, or metal, and
 - (iv) Colors used shall not be high intensity or fluorescent.

(C) Prohibited Colors

The use of high intensity colors or fluorescent pigments, except as part of a federally- or state-registered logo or trademark that does not exceed twenty percent (20%) of the allowable sign area, is prohibited on permanent signs.

9.2.4 Illumination

(A) Uniformity

Lighting on permanent signs shall be consistent throughout a project, and no permanent sign or portion thereof shall be illuminated differently from any other permanent sign, unless provided for with an approved Master Sign Plan and Site Plan in which there is variety in façade design or building type.

(B) External Illumination

Exterior illumination of permitted permanent signs shall be allowed except where prohibited for specific sign types in Section 9.2. Such lighting shall be directed only upon the sign face and architectural elements of the sign structure, and shall be directed to prevent off-site glare.

(C) Internally-illuminated Cabinet Signs

Internally-illuminated cabinet signs shall be allowed as provided below:

- (1) A single enclosed internally-illuminated cabinet containing all sign text, logos and symbols may be incorporated into a principal ground sign subject to the following:
 - (a) Only the sign text and logos that are federally- or state-registered may be illuminated.
 - (b) The total area of the logo(s) shall not exceed twenty percent (20%) of the allowable sign area.
 - (c) Background material shall be opaque and meet requirements of Section 9.2.2.

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- (2) Internally-illuminated enclosed cabinets may be permitted as a component of a wall sign subject to the following:
 - (a) the principal sign message consists of internally-illuminated channel letters attached directly to the building wall, or on a raceway;
 - (b) the background of the cabinet-type sign component is opaque, except where:
 - (i) the sign message is a state- or federally registered logo or trademark; or
 - (ii) the sign is a theatre marquee sign or poster box per Section 9.2.5(L)(4).
 - (c) no more than one (1) such cabinet may be incorporated in a wall sign where the tenant space contains less than fifty thousand (50,000) square feet of floor area;
 - (d) a maximum of two (2) such cabinets may be incorporated in a wall sign where the tenant space contains fifty thousand (50,000) square feet or more of floor area;
 - (e) the combined area of such cabinet component shall not exceed one-third (1/3) of the total area of the wall sign;
 - (f) such signs are included in and comply with an approved uniform sign plan, where such plan is applicable; and
 - (g) construction methods and materials are consistent with the associated channel letters.
 - (3) Pedestrian-oriented directional ground signs may be internally-illuminated.
 - (4) All other internally-illuminated cabinet-style ground and wall signs shall be prohibited.

9.2.5 Permanent Sign Types and Applicable Standards on Property Not Containing a Single-family Residence or Duplex

The following sign types are permitted on property located in all zoning districts, except lots or parcels containing a single-family residence or duplex. Permanent signs shall be permitted in accordance with Table 9.2-1, subject to the applicable standards of this Section 9.2.5 and the provisions of any Master Sign Plan applicable to the site.

TABLE 9.2-1: TABLE OF PERMANENT SIGN TYPES ALLOWED ON PROPERTY NOT CONTAINING A SINGLE-FAMILY RESIDENCE OR DUPLEX			
Sign Type		Sign Permit	Conditions
Awning Sign		Required	9.2.5(A)
Directional Sign	Vehicle-oriented Directional Ground Sign	Required	9.2.5 (B)(1)
	Wall-Mounted Directional Sign	Required	9.2.5 (B)(2)
	Pedestrian-oriented Directional Ground Sign	Not Required	9.2.5 (B)(3)
Permanent Flagpoles With Flags		Not Required	9.2.5 (C)
Incidental Sign		Not Required	9.2.5 (D)
Drive-through Lane Sign		Required	9.2.5 (E)
Principal Ground Sign		Required	9.2.5(F)
Entry Monument Alternative to Principal Ground Sign		Required	9.2.5 (G)
New Construction Alternative to Permanent Ground Sign		Required	9.2.5 (H)
Projecting Sign		Required	9.2.5 (I)
Suspended Sign		Required	9.2.5 (J)
Verandah Sign		Required	9.2.5 (K)
Wall Sign	Buildings with 3 or Fewer Floors	Required	9.2.5(L)(1)
	Buildings with More Than 3 Floors	Required	9.2.5(L)(2)
	Multi-family or Institutional Buildings in Residential Districts or PDDs	Required	9.2.5(L)(3)
	Theatres	Required	9.2.5(L)(4)
Façade Renovation Alternative to Permanent Wall Sign		Required	9.2.5(M)
New Business Alternative to Permanent Wall Sign		Required	9.2.5(N)
Window Sign		Not Required	9.2.5(O)
Mailbox Sign		Not Required	9.2.5(P)

(A) Awning Sign

Awning signs shall be allowed, provided that:

- (1) On a single-occupant property, one (1) awning sign may be allowed only in lieu of all other signage otherwise permitted on the wall to which the awning is attached.
- (2) On a multi-occupant property, one (1) awning sign may be allowed over each occupant entrance, in lieu of other wall signs, and if so shown on the Master Sign Plan.
- (3) The maximum area of an awning sign shall not exceed ten percent (10%) of the total awning face front and side area.
- (4) Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting.
- (5) Awning signs may project over a public right-of-way provided that no element of the sign hangs lower than seven (7) feet above the ground or pedestrian walkway.

(B) Directional Sign**(1) Vehicle-oriented Directional Ground Signs**

Vehicle-oriented directional ground signs shall be allowed in addition to Principal Ground Signs near each principal entrance to a parking area or at principal intersections within the parking area of a development project, or as shown on an approved Master Sign Plan. Such signs shall be located at least fifty (50) feet away from any public right-of-way in a manner that drivers can conveniently pull up to and read the sign without impeding traffic on any driveway or entrance serving the development.

- (a)** Vehicle-oriented directional ground signs within a shopping center shall be allowed as follows:
 - (i)** One (1) vehicle-oriented directional ground sign may have a maximum height of five (5) feet, a maximum sign area of ten (10) square feet, and a maximum letter height of four (4) inches that shall not be legible from the public right-of-way.
 - (ii)** All other vehicle-oriented directional ground signs in the shopping center shall have a maximum height of forty-two (42) inches, a maximum sign area of sixteen (16) square feet, and shall not be separately illuminated.
- (b)** Vehicle-oriented directional ground signs for other project types shall have a maximum height of five (5) feet, a maximum sign area of ten (10) square feet, and a maximum letter height of four (4) inches that shall not be legible from the public right-of-way.

(2) Pedestrian-oriented Directional Ground Signs

Pedestrian-oriented directional ground signs shall be allowed within multi-tenant sites in accordance with the following:

- (a)** Such signs shall not be legible from the public right-of-way or private street or drive aisle;
- (b)** Such signs shall have a maximum sign area of fifteen (15) square feet;
- (c)** The sign structure shall have a maximum height of seven (7) feet; and
- (d)** The location and design characteristics of such signs shall be included in the uniform sign plan for the development.

(3) Wall-mounted Directional Signs**(a) General**

Wall-mounted directional signs shall be permitted for buildings with multiple tenants and shall be allowed in addition to Primary Wall Signs provided that the total size of the wall-mounted directional sign does not exceed ten percent (10%) of the total wall area to which the sign is affixed.

(b) Additional Requirements in the Town Center

- (i) The sign shall be located next to the principal entrance.
- (ii) The sign shall not project outward from the wall more than six (6) inches.
- (iii) The sign shall not extend above the parapet, eave or building facade.
- (iv) All area over three (3) square feet shall be considered as part of the property's overall allowed sign area.
- (v) The sign shall not be illuminated separately.

(C) Permanent Flagpoles with Flags

Permanent flagpoles with flags shall be allowed in accordance with the following:

(1) Sites Not Showing Flags and Flagpoles on Site Plans

In a non-residential or multi-family residential site not showing flags on an approved site plan, there shall be no more than three (3) flagpoles and two (2) flags per pole. Poles for such flags shall be located on the principal building wall on the site or within twenty (20) feet of the main building entrance.

(2) Sites Showing Flags and Flagpoles on Site Plans and Master Sign Plans

Flags may be included on a site plan and located as shown on that site plan, provided that:

- (a) Flagpoles shall be limited to three (3) per principal building or multi-family residential complex;
- (b) Flags are limited to two (2) flags per pole; and
- (c) Flagpoles shall be located outside of the public street right-of-way.

(3) Flagpole Height and Flag Size

Flagpoles shall not exceed twenty-five (25) feet in height, and flags shall not exceed five (5) feet by eight (8) feet in size, except for:

- (a) Venues for recreational and entertainment uses that provide structured spectator seating to support spectator viewing. Such sites are allowed one (1) flagpole up to fifty (50) feet in height displaying flag(s) no larger than ten (10) feet by fifteen (15) feet, provided that the flagpole meets a setback from the property line of two (2) feet for every one (1) foot of flagpole height.
- (b) Non-residential buildings are allowed two (2) flagpoles extending up to twenty-five (25) feet above the height of the building, displaying flag(s) no larger than eight (8) feet by twelve (12) feet, provided that the building is setback from a thoroughfare by a minimum of three hundred (300) feet or the building contains a minimum of three (3) stories.

(4) Memorial Parks

Public parks that serve as a memorial to a particular event, individual(s) or group(s) may contain more than three (3) flagpoles; however, the total number of flags displayed may not exceed six (6).

(5) Public Athletic Fields/Complexes

A total of two (2) additional flags shall be allowed for each playing field containing permanent seating for spectators; the additional flags may be displayed on separate poles or on the same pole; the additional flags may be displayed at such field(s) only while used for games.

(D) Incidental Sign

Incidental signs shall be allowed provided that they contain no logo or commercial message and do not exceed two (2) square feet in area, except that signs providing notice that cars parked illegally may be towed may comply with provisions of North Carolina statutes that require that such notice be four (4) square feet in area. Incidental ground signs shall not exceed three (3) feet in height.

(E) Drive-through Lane Sign

Drive-through lane signs shall be allowed only as an accessory use to a restaurant having a drive-through window, provided that:

- (1) Such signs shall not exceed forty-two (42) square feet in area and five (5) feet, six (6) inches in height.
- (2) Such signs shall not be legible from a public right-of-way or adjacent property.
- (3) There shall be no more than two (2) such signs per drive-thru lane.
- (4) The color of such signs shall have ties to the main building or other signage for the project.
- (5) Restaurants within the Town Center may substitute one (1) permitted A-frame sign for a drive-through lane sign but shall not use both.

(F) Principal Ground Sign

Principal ground signs shall be allowed in accordance with the following:

- (1) Such signs may not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total in area, and fifty-four (54) inches in height. In the Town Center, any sign area in excess of sixteen (16) square feet in total shall be counted as part of the property's total allowed sign area. Where the height of the sign exceeds forty-two (42) inches, one (1) square foot of landscape area for each square foot of sign area shall be provided in the vicinity of the sign. At least fifty percent (50%) of the plant material shall be evergreen. Both sides of a two (2) sided ground sign shall be identical with regard to materials and design.

- (2) Setbacks shall be adequate to protect the clear sight triangle, in accordance with the Town's Standard Specifications and Details Manual.
- (3) For a single-occupant property, there shall be only one (1) principal ground sign per entrance to the project, provided that no two (2) ground signs shall be within three hundred (300) feet of each other.
- (4) For a multi-occupant project, there shall be only one (1) ground sign per entrance from a public street or a private street which meets the Town's Site Design Standards provided that no two (2) ground signs shall be within three hundred (300) feet of each other, except as provided in Section 9.2.5(F)(6) below.
- (5) Outparcels in shopping centers shall not be allowed principal ground signs.
- (6) Principal ground signs for residential or non-residential subdivisions, general shopping centers, and multi-family developments may be allowed on one (1) or both sides of each principal entrance. Where placed on both sides of a principal entrance, such signs shall be placed on an entry wall and/or column like features which are identical in design and materials and approved on a development plan.
- (7) Principal ground sign(s) at the entrance to a residential or non-residential subdivision shall be located:
 - (a) in common open space, on dedicated sign easements, or, in the absence of an owner's association, on private property within the subdivision; or
 - (b) in the median strip of a public or private street right-of-way provided that:
 - (i) the median strip is at least fifty (50) feet in length and ten (10) feet in width, unless this requirement is reduced by the Planning Director; and
 - (ii) the sign is located at least ten (10) feet from the right-of-way line when projected across the entrance; and
 - (iii) if in a public right-of-way, the sign location is approved by the Director of Transportation and Facilities based upon traffic safety considerations and the location of utilities.
- (8) A principal ground sign displaced due to road widening projects may be replaced with an interim ground sign located on the same property during the duration of the road widening project. Such interim sign shall be located on private property and shall not be subject to Section 9.2.2 (Materials). After completion, such interim ground sign shall be replaced with a permanent ground sign meeting the provisions of this Chapter 9.

(G) Entry Monument Alternative to Principal Ground Sign

An entry monument meeting requirements of Section 7.2.7 of this Ordinance may be approved in lieu of a permitted principal ground sign for residential subdivisions, non-residential subdivisions and general shopping centers with a minimum of sixty thousand (60,000) square feet of non-residential floor area, and non-residential parcels fifteen (15) acres or greater, with frontage on a road classified as a collector avenue or higher on the Comprehensive Transportation Plan.

- (1) Site Plan approval is required.
- (2) A minimum of seventy-five percent (75%) of the monument structure shall be constructed of masonry material that is compatible with materials found in the principal buildings on the site.
- (3) The height of the entry monument structure and the amount of signage visible from any vantage point shall not exceed the following:

HEIGHT AND SIGN AREA LIMITS FOR ENTRY MONUMENT ALTERNATIVE TO PRINCIPAL GROUND SIGN		
	Max. Height of Monument	Max. Sign Area Visible From Any Vantage Point
Non-residential subdivisions and general shopping centers (excluding outparcels) with over 130,000 non-residential square feet of floor area.	16 feet	50 Sq. Ft.
Non-residential subdivisions and general shopping centers (excluding outparcels) with between 100,000 and 130,000 square feet of floor area	14 feet	40 Sq. Ft.
Non-residential subdivisions and general shopping centers (excluding outparcels) with between 60,000 and 99,999 square feet of floor area and non-residential parcels 15 acres or greater	12 feet	32 Sq. Ft.
Residential subdivisions		

- (4) One (1) square foot of landscape area for each square foot of sign area shall be provided in the vicinity of the sign. At least fifty percent (50%) of the plant material shall be evergreen.
- (5) No more than one (1) Entry Monument Alternative to Principal Ground Sign is allowed along each street frontage with the exception of general shopping centers with over one hundred thirty thousand (130,000) square feet of non-residential floor area which may have one (1) additional monument sign along a public street.

(H) New Construction Alternative to Principal Ground Sign

Signs associated with new subdivision development or site construction shall be allowed on sites with a Town-approved development plan provided that:

- (1) Such signs shall be permitted in addition to, and in the same location and subject to the same size and other conditions applicable to, a "principal ground sign," per Section 9.2.5(F) except that limitations on the color shall not apply to this type of sign.
- (2) Such signs shall be removed the earlier of two (2) years from the date of approval of the sign permit, or upon the issuance of Certificates of Occupancy for seventy-five percent (75%) of the subdivision phase or site plan, whichever occurs first.

- (3) In single-family residential districts, including planned development districts allowing single-family residences, a single sign shall be permitted as an accessory use to a subdivision real estate sales office, as long as such office is permitted in the LDO and is actually used. Such sign shall not exceed sixteen (16) square feet in area and forty-two (42) inches in height.

(I) Projecting Sign

Projecting signs shall be allowed under canopies or along pedestrian arcades, provided that:

- (1) Such signs shall not exceed one (1) per tenant in a multi-tenant building entrance.
- (2) Such signs shall not be separately illuminated.
- (3) The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects.
- (4) Projecting signs may project over a public right-of-way provided that no element of the sign hangs lower than seven (7) feet above the ground or pedestrian walkway.
- (5) Such signs shall be mounted and attached to buildings in a secure manner. The sign, brackets and mounting devices shall be maintained in good repair for both safety and appearance. Such signs shall be mounted so that the method of installation is concealed to the extent practical.
- (6) The signboard or the bracket shall not project more than thirty-six (36) inches from the wall.
- (7) In all zoning districts except the Town Center, such signs shall not exceed two (2) square feet per side.
- (8) In the Town Center Zoning District, such signs shall not exceed six (6) square feet per side.

(J) Suspended Signs

- (1) Suspended signs shall be allowed under canopies or along pedestrian arcades, provided that:
 - (a) Such signs shall not exceed one (1) per tenant in a multi-tenant building entrance.
 - (b) Such signs shall not be separately illuminated.
 - (c) The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects.
 - (d) No element of the sign shall hang lower than seven (7) feet above the ground or pedestrian walkway.

- (e) Such signs shall be mounted and attached in a secure manner. The sign, brackets and mounting devices shall be maintained in good repair for both safety and appearance. Such signs shall be mounted so that the method of installation is concealed to the extent practical.
 - (f) Where mounted to a wall, the signboard or the bracket shall not project more than thirty-six (36) inches from the wall.
 - (g) In all zoning districts except the Town Center, such signs shall not exceed four (4) square feet in area.
 - (h) In the Town Center zoning district, such signs may be larger than four (4) square feet in total area, but all area over two (2) square feet shall be considered as part of the property's overall allowed sign area.
- (2) In the Town Center, suspended signs shall also be allowed to hang vertically from upright posts that are securely anchored in the ground. Such suspended ground signs are allowed provided that:
- (a) Only one (1) suspended sign is permitted per street frontage.
 - (b) Such signs shall only be permitted if the buildings or structures housing the principal use(s) on the property are set back at least ten (10) feet from the abutting street right-of-way.
 - (c) Such signs shall only be hung from decorative upright posts, and may not be hung from other objects such as trees or be attached to a wall.
 - (d) Such signs shall not exceed sixteen (16) square feet of display area, and may be two (2)-sided.
 - (e) No portion of the sign shall exceed eight (8) feet in height. No portion of the supporting post shall exceed ten (10) feet in height.
 - (f) Suspended ground signs used in lieu of a principal ground sign shall not be deducted from a property's overall allowed sign area. If a suspended ground sign is used in addition to a principal ground sign, then the display area of the suspended ground sign shall count as part of the property's total allowed sign area.
 - (g) Such signs may not extend or protrude into a sidewalk or a pedestrian walkway.

(K) Verandah Sign

Shall be allowed when located above the outer fascia of a verandah or balcony as long as the sign face does not project above the highest portion of the facade.

(L) Wall Sign

Wall Signs are allowed on principal buildings and accessory buildings as provided below:

(1) Buildings with Three or Fewer Floors**(a) General Wall Sign Area Limitations**

- (i) One (1) wall sign is allowed for a single-tenant building or a multi-tenant building space with an individual entrance, with additional signs allowed on a second wall facing a street right-of-way that contains a door or a window, except where additional signage is allowed pursuant to Section 9.2.5(L)(1)(b).
- (ii) Except where additional sign area is allowed pursuant to Section 9.2.5(L)(1)(b), the combined area of all wall signs visible from a given vantage point shall not exceed one and one-half (1.5) square feet per linear foot of building frontage.

(b) Wall Sign Limitations for Commercial Buildings Containing Architecturally Distinct Building Segments

Additional signage is allowed for single-tenant buildings or individual tenant spaces in multi-tenant buildings with district architectural segments that incorporate at least three (3) of the following:

- (i) Façade which projects above and outwards from the primary building wall plane;
- (ii) Vertical and horizontal design elements;
- (iii) Different surface materials and textures to distinguish the storefront from the remainder of the building wall;
- (iv) Windows (whether false or otherwise) to give the appearance of an individual storefront; and
- (v) Building side provides functional access to customers and the public.

Signage is allowed on tenant spaces meeting the above requirements as provided below:

- (i) Two (2) wall signs are allowed on each architecturally distinct building segment in a general shopping center. One (1) wall sign is allowed on each architecturally distinct building segment on other commercial buildings or tenant spaces.
- (ii) For general shopping centers, wall signs may not exceed two (2) square feet per linear foot of building frontage.
- (iii) For commercially-used single tenant spaces with a building footprint of at least one hundred thousand (100,000) square feet, the combined area of all wall signs may not exceed three (3) square feet per linear foot of building frontage.

- (iv) No individual sign may exceed sixty percent (60%) of the available wall area on the architecturally-distinct building segment to which it is attached.
- (v) The amount of sign area visible from any given vantage point may not exceed the allowable sign area.

(c) Office Buildings

Multi-tenant buildings serving primarily office uses are allowed signs on two (2) separate walls of the building, and more than one (1) sign per façade may be permitted provided the facade is divided into architecturally distinct segments with more than one (1) principal entrance serving interior offices or businesses.

(2) Buildings With More than Three Floors

- (a) Multi-story buildings with more than three (3) floors shall be allowed a maximum of one and one-half (1.5) square feet in area for each linear foot of building frontage and may have a maximum of four (4) signs across the building facade provided that the total square feet of all signs combined does not exceed the maximum of one and one-half (1.5) square feet in area for each linear foot of building frontage and all signs are arranged so they share a common horizontal centerline along the facade.
- (b) For buildings displaying more than one (1) sign, one (1) of the following criteria shall be met:
 - (i) Signs shall be spaced evenly across the building facade; or
 - (ii) Signs shall be separated from all other signs a minimum of two times (2X) the length of the longest sign by facade.

(3) Multi-family or Institutional Buildings in Residential Zoning Districts and PDDs

Multi-family residential or institutional uses located in residential zoning districts, including planned developments designated for such use, shall be permitted one (1) wall sign per public entrance, provided that:

- (a) Such sign shall not exceed six (6) square feet in area; and
- (b) Each such sign may be illuminated only by direct, external illumination.

(4) Theatres

In addition to other permitted walls signs, marquee signs with internally-illuminated or back-lit changeable copy, and internally-illuminated or back-lit poster boxes may be allowed on theatres subject to the following:

- (a) Changeable copy on marquee signs shall be limited to three (3) lines of text, and shall not be subject to total wall sign area limits.
- (b) Poster boxes shall not exceed thirty-six (36) by fifty-four (54) inches each in size, shall not extend more than ten (10) feet above ground, and shall be permanently mounted to the building wall.

(M) Façade Renovation Alternative to Permanent Wall Sign

One (1) banner shall be allowed for a business undergoing a façade change or exterior renovation, as an alternative to a permitted permanent wall sign allowed pursuant to Section 9.2.5(L), provided that:

- (1) Such signs for businesses undergoing a façade change or exterior renovation shall be limited to a maximum of ninety (90) days. The Planning Director shall have the authority to extend the duration of the temporary sign permit for businesses undergoing exterior renovation for up to a maximum of sixty (60) additional days.
- (2) Such signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet or half ($\frac{1}{2}$) the size of a previously-permitted sign removed in order to construct the façade replacement, whichever is greater.

(N) New Business Alternative to Permanent Wall Sign

(1) One (1) banner shall be allowed for a new business provided that:

- (a) Such banner for new businesses shall be limited to a duration of thirty (30) days within the first sixty (60) days after issuance of a Certificate of Occupancy for that location.
- (b) Such banner shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet in surface area.

(2) A second banner meeting requirements of Section 9.2.5(N)(1) shall be allowed provided that:

- (a) only one (1) of the two (2) banners is visible from any given vantage point; and
- (b) both banners are approved for display during the same time period.

(O) Window Sign

Signs shall be allowed on the inside or outside of window glass provided that they cover no more than twenty-five (25) percent of the gross glass area on any one (1) side of the building and they are not separately illuminated. Signs permanently affixed to the external side of windows shall be a medium or premium grade vinyl, digital image using solvent coloring, or other similar type material and shall be maintained in good order.

(P) Mailbox Sign

Signage on mailboxes shall be limited to individual name(s) and the address of the property served by the mailbox, as allowed by the US Postal Service.

9.2.6 Permanent Sign Types and Applicable Standards Allowed Only in Town Center and Mixed Use Overlay Districts, on Property Not Containing a Single-family Residence or Duplex

The following sign types are permitted on property located in the Town Center and Mixed Use Overlay Districts, except lots or parcels containing a single-family residence or duplex. Permanent signs shall be permitted in accordance with Table 9.2-2, subject to the applicable standards of this Section and the provisions of any Master Sign Plan applicable to the site.

TABLE 9.2-2: TABLE OF PERMANENT SIGN TYPES ALLOWED ONLY IN TOWN CENTER AND MIXED USE OVERLAY DISTRICTS, ON PROPERTY NOT CONTAINING A SINGLE-FAMILY RESIDENCE OR DUPLEX		
Wall Sign at Entrance to Restaurant or Café	Not Required	9A.3.2(A)
Neon Sign	Not Required	9A.3.2(B)

(A) Wall Sign at Entrance to Restaurant or Café

In addition to other signage, restaurants and cafés in the Town Center and MUOD shall be allowed one (1) wall-mounted display. The sign shall be located at or near the main entrance, and shall not exceed two (2) square feet in size. These additional signs shall not be calculated as part of the site's overall allowed sign area.

(B) Neon Signs

One (1) neon sign may be permitted for each business in the Town Center and MUOD based upon the following:

- (1) The sign shall not exceed two (2) square feet in area.
- (2) The sign shall be illuminated only during business hours.
- (3) The sign shall be located on the interior side of a window.
- (4) The sign shall meet safety requirements by having a backing and self-contained transformers. All components shall be UL approved.
- (5) Text, logos and color are not restricted.

9.2.7 Permanent Sign Types and Applicable Standards on Property Containing a Single-family Residence or Duplex

The following sign types are permitted in all zoning districts on property containing a single-family residence or duplex. Permanent signs shall be permitted in accordance with Table 9.2-3, subject to the applicable standards of this Section and the provisions of any Master Sign Plan applicable to the site.

TABLE 9.2-3: TABLE OF PERMANENT SIGN TYPES ALLOWED ON PROPERTY CONTAINING A SINGLE-FAMILY RESIDENCE OR DUPLEX		
Sign Type	Sign Permit	Conditions
Permanent Flagpoles With Flags	Not Required	9.2.7(A)
Wall Signs	Not Required	9.2.7(B)
Incidental Signs	Not Required	9.2.7(C)
Window Sign	Not Required	9.2.7(D)

(A) Permanent Flagpoles with Flags

There shall be no more than three (3) flagpoles and two (2) flags per pole. Flagpoles shall not exceed twenty-five (25) feet in height, and flags shall not exceed five (5) feet by eight (8) feet in size. Flags shall contain no commercial message.

(B) Wall Signs

One wall sign is allowed on a single-family residential unit (whether unit is attached or detached). The wall sign shall not exceed two (2) square feet in area, shall not be separately illuminated, and shall not contain any commercial message.

(C) Incidental Sign

Incidental signs shall be allowed provided that they contain no logo or commercial message and not exceed two (2) square feet in area.

(D) Window Signs

Signs shall be allowed on the inside or outside of window glass provided that they cover no more than twenty-five (25) percent of the glass area of each individual window pane, are not separately illuminated, and contain no commercial message. Signs permanently affixed to the external side of windows shall be a medium or premium grade vinyl, digital image using solvent coloring, or other similar type material and shall be maintained in good order.

9.2.8 Master Sign Plans

(A) Required

A Master Sign Plan approved by the Planning Director is required for all residential subdivisions, multi-family and townhouse developments, planned developments, non-residential subdivisions, and all multi-building or multi-occupant commercial developments before any permanent signs for such development may be erected.

All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

Residential developments that only have one (1) entrance monument and have no other signage requests shall not be required to submit a Master Sign Plan.

(B) Relation to Other Sections of This Ordinance

Requirements of the Master Sign Plan may be more restrictive, but not less restrictive, than the applicable requirements of Chapter 9.

(C) Elements

The master sign plan shall at a minimum address sign location, materials, size, color, and illumination.

- (1) The Master Sign Plan may include any type of wall sign permitted by Chapter 9.
- (2) Consistent sign types, color patterns, and materials shall be used on buildings with a uniform façade. Font styles may vary, subject to property owner's approval.
- (3) Two (2) sign style and/or color options may be introduced on buildings with architecturally-distinct building segments. Signs within each sign style shall be constructed of similar materials.
- (4) Principal Ground Signs and other ground signs within a multi-occupant development plan project shall incorporate one (1) or more unifying elements, including, but not limited to, features such as style, illumination, colors, and materials.

(D) Allocation of Sign Area in Multi-tenant Developments

Unless specified otherwise in the Master Sign Plan, permanent sign area for a multi-tenant development shall be allocated in proportion to the frontage each tenant controls on the applicable wall.

(E) Amendment Procedures

A Master Sign Plan may be amended by filing a new master plan and application with the Planning Director.

- (1) The application may be filed only by the owner of the land affected by the proposed change, or an agent, lessee or contract purchaser specifically authorized by the owner. Before filing the application, all land owners affected by the proposed change must give written authorization. If a governing board for the property affected exists, then the governing board may provide written authorization for all landowners affected.
- (2) Any new or amended Master Sign Plan for non-residential developments (including those for planned developments) shall include a schedule that requires bringing all permanent signs not conforming to the proposed plan into conformance within ninety (90) days. This shall apply to all properties governed by said plan.
- (3) Unless restricted by a zoning condition PDD master plan, residential neighborhoods or institutions within PDDs may submit an application to amend the Master Sign Plan for their individual subdivision entry feature or principal ground signs by proposing new criteria that calls for masonry material for structural supports, foundations and/or background material or by proposing criteria that meets the requirement for architectural compatibility between the principal ground sign and the principal building.

(F) Effect

After approval of an amendment to a Master Sign Plan, no permanent sign shall be erected, placed, painted, or maintained except in accordance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In the case of any conflict between a provision of a lawfully-approved Master Sign Plan and one (1) or more provisions of this chapter, the Master Sign Plan shall control.

9.2.9 Non-Conformities**(A) Non-conforming Signs****(1) General**

Nonconforming permanent signs, including signs indicated for amortization, shall comply with the provisions of Section 10.5.

(2) Signs in National Register Historic Districts

Existing permanent signs which are attached to, painted on, or an integral part of contributing historic structures within a National Register Historic District, and which retain the content, dimensions, location, and lighting that the sign possessed when the National Register District was designated shall enjoy the following privileges:

- (a)** May remain on roofs or exceed height limits found elsewhere in this chapter.
- (b)** May exceed dimensional limits found elsewhere in this chapter.
- (c)** May reference a product or business which is not related to the existing business on the property.
- (d)** Shall not, if the sign is not related to an existing business, have the sign area deducted from the total amount of square feet of the sign area granted by other standards of this chapter.
- (e)** May remain in a right-of-way unless they become a hazard to traffic.
- (f)** May retain their original lighting pattern and materials.
- (g)** May be restored to one hundred percent (100%) of the original design if damaged or destroyed.

(B) Signs for Non-conforming Uses

Owners of non-conforming uses located in residential districts may erect non-illuminated wall signs only. Such signs shall conform in all other ways with the size, placement, and other standards set forth for such signs in this Chapter 9.

(Ord. No. 2016-LDO-02, 12-8-16; Ord. No. 2018-LDO-01, 5-3-18)

9.3 TEMPORARY SIGNS

9.3.1 Applicability

This Section 9.3 applies to temporary signs in all zoning districts.

9.3.2 General Design Requirements

Temporary signs are not subject to limitations regarding color and material, but may not be internally or externally illuminated.

9.3.3 Permitted Temporary Signs

Temporary signs shall be permitted as provided herein:

(A) A-Frame Signs

One (1) A-Frame sign per street frontage per business shall be allowed, with approval of a sign permit only where such sign is associated with a business located within twelve (12) feet of Town property or a public right-of-way, provided that:

- (1) Such signs shall be allowed only in the Town Center and Mixed Use Overlay District.
- (2) The total area of the signboard shall not exceed ten (10) square feet per side.
- (3) Any A-Frame sign shall not exceed two (2) linear feet in width, with a maximum height of sixty (60) inches.
- (4) The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable.
- (5) The sign shall be located on the same parcel and within ten (10) feet of the building exterior of the business installing the sign and its location shall not interfere with pedestrian or vehicular circulation, including, but not limited to driveways, parking lots, rights-of-way, and public sidewalks.
- (6) The sign shall be removed at the end of the business day.
- (7) Any person erecting an A-Frame sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or a public right-of-way.

(B) All Other Temporary Signs

The Town shall allow all other temporary signs that meet the criteria and limitations set forth in Table 9.3-1.

Table 9.3-1 TEMPORARY SIGNS ALLOWED		
Requirement	Land Use ¹	
	Single-family Dwellings and Duplexes	All Other Uses
Maximum Number of Temporary Signs Per Parcel ²	8	4
Maximum Area of Individual Sign ³	5 square feet	3 signs: 5 square feet 1 sign: 16 square feet
Maximum Sign Height	42 inches	42 inches
Minimum Setback from Side Property Line ⁴	5 feet	5 feet
1 Uses may be permitted in zoning district or may be legal non-conforming uses.		
2 A maximum of two temporary commercial signs are allowed on a single parcel. Off-site commercial signs are prohibited.		
3 The maximum sign area applies to the size of the sign itself. Signs may be double-sided and contain messages on both sides.		
4 Signs in the right-of-way are prohibited except as allowed by state or federal law.		

(Ord. No. 2016-LDO-02, 12-8-16)